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5 UNITED STATES DISTRICT COURT FOR THE  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 UNITED STATES OF AMERICA,  
9 Plaintiff,  
10 v.  
11 JON MAJOR, a/k/a JOZUA HFVAK,  
12 Defendant.

Case No. CR17-0096RSM

ORDER REGARDING PENDING MOTIONS

13 On January 23, 2018, the Court held a status conference and motion hearing to address the  
14 following four motions:

- 15 1. Defendant's Ex Parte Request to Change Caption (Dkt. #81);  
16 2. Defendant's Ex Parte Motion for the Appointment of Counsel (Dkt. #82);  
17 3. Defendant's Motion to Amend the Caption of the Indictment and Pleading (Dkt. #94); and  
18 4. Defendant's Motion to Schedule Status Conference (Dkt. #95).  
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20 After reviewing all the briefing submitted by each party, and after hearing from the parties during  
21 the status conference, the Court hereby finds and ORDERS:  
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- 23 1. Defendant's Ex Parte Request to Change Caption (Dkt. #81) is DENIED. The Court found  
24 no evidence supporting Defendant's assertion that his ability to receive or send legal mail, or  
25 his ability to access notary services, were impacted by the use of the name "Jon Major" in  
26 either the Indictment or caption in this case.  
27 2. Defendant's Motion to Amend the Caption (Dkt. #94) is STRICKEN as DUPLICATIVE.  
28 3. Defendant's Motion to Schedule Status Conference (Dkt. #95) is STRICKEN AS MOOT.

1 4. Defendant's Ex Parte Motion for the Appointment of Counsel (Dkt. #82) is DEFERRED  
2 pending an evidentiary hearing. In his motion, Defendant specifically requested that the  
3 Court "assign[] to me counsel from the Criminal Justice Act panel to represent me in any and  
4 all further proceedings, or in the alternative that it hold a hearing to determine my competency  
5 to waive counsel." Dkt. #82 at 3. Based upon the assertions made in Defendant's affidavit  
6 and memorandum of law in support of his motion, the Court has determined that an  
7 evidentiary hearing is necessary before it can resolve the motion before it. *See United States*  
8 *v. Brugnara*, 856 F.3d 1198, 1212-14 (9th Cir. 2017). The Court desires to provide Defendant  
9 an opportunity to present evidence in support of his motion, and the assertions he makes in  
10 his accompanying Affidavit. Accordingly, the Court has scheduled a status conference and  
11 motion hearing for **February 27, 2018, at 10:00 a.m.**, at which time Defendant will have the  
12 opportunity to present any evidence or argument in support of his request for appointment of  
13 counsel.  
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17 DATED this 23rd day of January, 2018.

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21 RICARDO S. MARTINEZ  
22 CHIEF UNITED STATES DISTRICT JUDGE  
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